

REMARKS

In order to expedite the prosecution of the present application, the claims have been amended in order to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically speaking, Claims 1, 2, 5, 6, 8, 9, 11, 13, 14, 16, 18 and 19 have been canceled and replaced by newly presented Claims 20-31. No new matter has been added.

The specification has been amended to state that this application is a continuation-in-part of U.S. Patent Application Serial No. 09/801 098. Applicants agree that since the currently presented Figure 2, designated as Prior Art, was not originally presented as prior art in parent application Serial No. 09/801 098, the present application is a continuation-in-part application based on Serial No. 09/801 098.

The Examiner has objected to the presently illustrated version of Figure 2 as introducing new matter into the disclosure. Since the present application has been designated as a continuation-in-part application with Figure 2, designated Prior Art, being indicated as new matter, it is respectfully submitted that the objection to Figure 2 under 35 USC 132(a) be withdrawn. A Supplemental Declaration indicating that the present application is a continuation-in-part will be submitted to the Patent Office.

In response to the objection to the disclosure, page 2, lines 10 and 13 have been amended as suggested by the Examiner. No new matter has been added.

Claims 14, 17 and 18 have been rejected under 35 USC 112, first paragraph. Claims 14 and 18 have been rejected. With respect to the rejection of Claim 17, support for this claim can be found in Figure 1 of the present application in which the first time period in which "V1" and "-V1" is less than the time period in which "0V" is applied. Since the drawings constitute part of the disclosure of the present application,

support for "the second time period having a greater duration than the first time period" is clearly provided in Figure 1.

In response to the rejection of Claim 1 under 35 USC 112, second paragraph, the cancellation of Claim 1 has made this rejection moot.

Claim 12 has been rejected under 35 USC 112, second paragraph, as being indefinite. Although the term "simple matrix liquid crystal panel" is well known in the art, Applicants have amended Claim 12 to state "active matrix liquid crystal panel" which is defined as the same thing. Support for the language "active matrix liquid crystal display device" can be found in paragraph [0035] on page 9 of the specification.

Claim 17 has been rejected under 35 USC 112, second paragraph, as being incomplete for emitting essential steps. Applicants respectfully submit that the Examiner clearly is in error. Claim 17 is dependent on Claim 23 which consists of the steps of applying a first absolute voltage during a first time period and a second absolute voltage during a second separate time period. Claim 17 limits Claim 23 in requiring that the second time period have a greater duration than the first time period and the first and second time periods, which do not overlap, equal the entirety for the unit period. This is clearly definite and is illustrated in Figure 1 of the present specification. One of ordinary skill in the art clearly would understand and be able to apply the subject matter of Claim 17. As such, Applicants respectfully submit that the rejection of Claim 17 clearly is in error and would not be upheld on appeal.

The rejection of Claims 2-7 under 35 USC 112, second paragraph, as being dependent upon rejected base claims, has been overcome in light of the currently presented amendment to the claims.

Claims 1-19 have been rejected under 35 USC 102(a) as being clearly anticipated by Applicants' own admission of prior art. Claims 1-14 and 17-19 have been rejected under 35

USC 102(e) as being anticipated by Tanaka et al. Claims 15 and 16 have been rejected under 35 USC 103(a) as being unpatentable over Tanaka et al. Applicants respectfully traverse this ground of rejection and urge reconsideration in light of the following comments.

With respect to the rejection of Claims 1-19 under 35 USC 102(a) over the so-called "admitted prior art", currently presented Figure 2 corresponds to Figure 2 in parent application Serial No. 09/115 018 which was properly designated as "prior art". In continuation-in-part application Serial No. 09/801 098, Figure 1, which corresponds to the present invention, was erroneously presented as Figure 2 and corresponding to the prior art. It is clear that Figure 2 in Serial No. 09/801 098 is incorrect as the description of Figure 2 in paragraph [0027] on pages 6 and 7 of the specification refers to "V2" which is not even shown in Figure 2. One of ordinary skill in the art would clearly understand that Figure 2 in application Serial No. 09/801 098 is a duplicate of Figure 1 and was submitted in error since there is no disclosure in this application which supports Figure 2 as being "prior art". Moreover, the currently presented application contains the correct Figure 2 which is supported by the disclosure in the present application and parent application Serial No. 09/801 098. The Examiner cannot "bootstrap" an erroneous submission as prior art when it is not supported by the disclosure and is identical to a figure which is directed to the present invention and is supported by the disclosure. Once again, Applicants respectfully submit that this rejection will be reversed by the Board of Appeals if it is necessary to file an Appeal Brief.

The Tanaka reference discloses a high-speed multiplex-driven liquid crystal display device in which the chiral nematic liquid crystal medium has a first structure when a first voltage wave form applied in a first time period brings on Frederick's transition followed by a selective second voltage wave form applied in a second time period capable of

generating one of two selectable metastable states representing switchable bi-stable states.

The presently claimed invention is clearly patentably distinguishable over Tanaka et al since it requires that a voltage be applied to bring about Frederick's transition before any voltage corresponding to image data is applied. The currently presented claims require that a first voltage corresponding to image data be applied during a first time period in the unit period and a second voltage that does not correspond to image data be applied in a second time period in the unit period. The "consisting of" language of the currently claimed invention expressly excludes Tanaka et al therefrom since Tanaka et al expressly recites that the first voltage wave form is used to bring on Frederick's transition, followed by a second voltage wave form which corresponds to image data. Therefore, it is respectfully submitted that the Tanaka et al reference not only does not anticipate the currently claimed invention under 35 USC 102(e), it does not even present a showing of prima facie obviousness under 35 USC 103(a).

Reconsideration of the present application and the passing of it to issue is respectfully solicited.

Respectfully submitted,

TFC/smd


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